

PATENT COOPERATION TREATY

PCT

REC'D 29 DEC 2004

WIPO

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PE-70199A	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 03/14244	International filing date (day/month/year) 15.12.2003	Priority date (day/month/year) 13.12.2002
International Patent Classification (IPC) or both national classification and IPC B02C19/06		
Applicant SYNGENTA PARTICIPATIONS AG et al.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 18.06.2004	Date of completion of this report 27.12.2004
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx. 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Leitner, J Telephone No. +49 89 2399-7924



BEST AVAILABLE COPY

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No.

PCT/EP 03/14244

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-18 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application; the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

BEST AVAILABLE COPY

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No.

PCT/EP 03/14244

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations

see separate sheet

BEST AVAILABLE COPY

Re Item V

1. Prior Art

Reference is made to the following documents D1 - D4:

- D1: EP-A-0 179 943 (FREUNT IND CO LTD) 7 May 1986 (1986-05-07)
- D2: US-A-3 491 953 (STEPHANOFF N N) 27 January 1970 (1970-01-27)
- D3: GB-A-1 253 067 (S. JOUFFROY) 10 November 1971 (1971-11-10)
- D4: EP-A-0 347 329 (BAZANTE G ;ABSI F) 20 December 1989 (1989-12-20)

2. Novelty (Article 33 (2) PCT)

The present application does not meet the requirements of Article 33 (2) PCT, because the subject matter of **claims 1 and 12** is not novel.

The document D1 is regarded as being the closest prior art and discloses (the references in parentheses applying to this document):
a process of applying a liquid to a finely milled solid, in which the liquid is applied to a solid that is to be finely milled is introduced into the milling zone of a fine milling device during the milling operation or simultaneously with the introduction of the solid to be finely milled, where the fine milling is carried out in the presence of the finely divided liquid;
as well as a device for carrying out that process comprising means for introducing, milling and discharging the material (see figures), and a device for metering the finely divided liquid into the milling zone during the fine milling or simultaneously with the introduction of the material for milling (see figures and relevant passages in the description).
Thus, D1 discloses all the features of independent claims 1 and 12, which therefore lack novelty.

The features of claims 1 and 12 are also known from D2 - D4 and lack therefore novelty in view of these documents.

The features of the **dependent claims** are either known from the documents cited in the International Search Report (see the cited claim relevances) for the same purpose as in the present application or lie within the general knowledge of the skilled person, therefore they are not new or they are not considered to involve an inventive step.

BEST AVAILABLE COPY